



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,361	02/05/2001	Tatsuo Yokota	9333/259	4262

7590 10/06/2003

BRINKS HOFER GILSON & LIONE
P. O. BOX 10395
CHICAGO, IL 60610

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 10/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.
09/777,361

Applicant(s)
Yokota

Examiner
Steve Sax

Art Unit
2174



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

Art Unit: 2174

DETAILED ACTION

1. This application has been examined.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al (6496205) and Mutoh et al (6606465).

4. Regarding claim 1, White et al al a method in which menu items are displayed on a screen and when a predetermined menu item is selected, a corresponding function is executed (Figures 1B, 8, 10, column 3 lines 40-62, column 4 lines 5-18). The method determines whether a function corresponding to a menu item displayed on the screen can be executed and if it determines that it cannot be executed, disables the menu item from being selected (Figures 9, 10, column 15 lines 15-40 and 54-67). White et al do not go into the details of explaining the reason why the item cannot be selected (such as the audio data is not live), but do show making a distinction in the display of that item (for example column 16 lines 18-23). Furthermore, Mutoh

Art Unit: 2174

et al show displaying a reason why an item cannot be selected, as part of making a distinction in the display for the unselectable item (Mutoh et al Figures 5A-D, column 10 lines 24-40). It would have been obvious to a person with ordinary skill in the art to have this in White et al, because it would be a convenient way to make a distinction in the display for the unselectable item.

5. Regarding claim 2, that concise message of Mutoh et al is in fact displayed in the field of the menu item (see again Figures 5A-D of Mutoh et al).

6. Regarding claim 3, as pointed out above, the disabled item is displayed so as to be distinguished from the non-disabled items (White et al column 16 lines 18-23).

7. Regarding claim 4, the reason why an item is not selectable in White et al may not be due to memory limitations, but are due to the data associated with that item not being loaded into the memory and thus not available (White et al column 15 lines 15-40). Furthermore, Mutoh et al show that the reason for the function not being operable (and thus the subsequent message indication stating the reason) is because data from another function is loaded into the memory and thus the memory limitations render the item unselectable (Mutoh et al column 10 lines 25-51). It would have been obvious to a person with ordinary skill in the art to have the same disabling and indication in White et al for memory limitations, because it would be an efficient

Art Unit: 2174

way to ensure proper enablement and disablement of items in a display interface that disables items and indicates accordingly when the associated data is unavailable in the memory.

8. Regarding claim 5, as mentioned, White et al do the whole disablement and indication thereof, of a menu item, when the desired data (i.e. live audio data) is not downloaded into the memory (White et al column 15 lines 15-40 and 54-67).

9. Regarding claim 6, the apparatus is a browser for navigation (White et al column 4 lines 1-22), and when the live audio data is not routed, an indication is made. This indication is not specifically a message that the route guidance is not in progress, but Mutoh et al do show messages when a particular routing of data is not in progress (Mutoh et al Figures 5A-D, *aforecited*). It would have been obvious to a person with ordinary skill in the art to have this in White et al, because it would be a convenient way to indicate routing is not in progress.

10. Claims 7-8 show the same features as above and are rejected for the same reasons.

11. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Art Unit: 2174

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, may be reached at (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306

Official Communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX
PRIMARY EXAMINER